

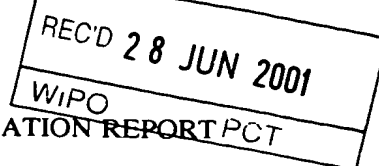
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## PATENT COOPERATION TREATY

PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT PCT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference EUR.105PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/410)	
International application No. PCT/US00/11743	International filing date (day/month/year) 26 April 2000 (26.04.2000)	Priority date (day/month/year) 27 April 1999 (27.04.1999)
International Patent Classification (IPC) or national classification and IPC IPC(7): B67D 5/40 and US Cl.: 222/380		
Applicant STUMLER, IRVIN H.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.  
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT)

These annexes consist of a total of \_\_\_ sheets.

3. This report contains indications relating to the following items:
  - ☒ Basis of the report
  - ☐ Priority
  - ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
  - ☐ Lack of unity of invention
  - ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - ☒ Certain documents cited
  - ☐ Certain defects in the international application
  - ☐ Certain observations on the international application

Date of submission of the demand 14 November 2000 (14.11.2000)	Date of completion of this report 04 June 2001 (04.06.2001)
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230	Authorized officer <i>K. P. Shaver</i> Kevin P. Shaver Telephone No. (703) 308-0861

Form PCT/IPEA/409 (cover sheet)(July 1998)

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/117

## I. Basis of the report

1. With regard to the elements of the international application: \*

☒ the international application as originally filed.

☒ the description:

pages 1-13 as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of

☒ the claims:

pages 14-18 as originally filed

pages NONE, as amended (together with any statement) under Article 19

pages NONE, filed with the demand

pages NONE, filed with the letter of

☒ the drawings:

pages 1-17 as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of

☐ the sequence listing part of the description:

pages NONE as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in printed form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages NONE

☐ the claims, Nos. NONE

☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/11743

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)

Claims 1-15 and 17-18

YE

Claims 16

NC

Inventive Step (IS)

Claims 14 and 15

YE

Claims 1-13 and 16-18

NO

Industrial Applicability (IA)

Claims 1-18

YE

Claims NONE

NO

2. CITATIONS AND EXPLANATIONS (Rule 70.7)

Claim 16 lacks novelty under PCT Article 33(2) as being anticipated by Topper et al. (5,556,268). Topper et al. shows a main storage chamber 40, a dispensing valve 84 and a dispensing cylinder 82.

Claims 1-13 and 16-18 lack an inventive step under PCT Article 33(3) as being obvious over Topper et al. (5,556,268) in view of Fancher (6,068,160). Topper et al. shows all claimed features as discussed above except a fluid-control main plunger. Fancher shows a fluid-control plunger 50.

Claims 14 and 15 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest an actuator that lifts and shift the platform forward.

NEW CITATIONS

US 5,556,268 A (Topper et al.) 17 September 1996, see entire document.

US 6,068,160 A (Fancher) 30 May 2000, see column 10, lines 13-51.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/11743

## VI. Certain documents cited

### 1. Certain published documents (Rule 70.10)

Application No <u>Patent No.</u>	Publication Date <u>(day/month/year)</u>	Filing Date <u>(day/month/year)</u>	Priority date (valid claim) <u>(day/month/year)</u>
5,816,455	06 October 1998 (06.10.1998)	19 May 1995 (19.05.1995)	None
6,155,461	05 December 2000 (05.12.2000)	07 September 1999 (07.09.1999)	08 March 1999 (08.03.1999)
3,876,110	08 April 1975 (08.04.1975)	14 May 1971 (14.05.1971)	None
5,244,020	14 September 1993 (14.09.1993)	24 July 1991 (24.07.1991)	None

### 2. Non-written disclosures (Rule 70.9)

<u>Kind of non-written disclosure</u>	Date of non-written disclosure <u>(day/month/year)</u>	Date of written disclosure referring to non-written disclosure <u>(day/month/year)</u>